

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

Ernest Alston and Pamela Alston, )  
)  
Plaintiffs )  
)  
vs. )  
)  
EOG Resources, Inc. and Rebecca )  
Imes, )  
)  
Defendants. )

Case No. 1:19-cv-00034

**AMENDED  
SCHEDULING/DISCOVERY PLAN**

After conferring, counsel for the parties have agreed to the following Amended Scheduling/Discovery Plan:

1. The parties have made or shall make by October 15, 2019 Rule 26(a)(1) disclosures as follows: The parties agree that they will make simultaneous Rule 26(a)(1) disclosures of the information required by that Rule.

2. The issues on which the parties need to conduct discovery are:

- a. The negligence of the defendants, plaintiffs, or others.
- b. Issues relating to causation.
- c. Issues relating to damages.

3. The parties shall have until July 31, 2020 to complete fact discovery and to file discovery motions.

4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:

- a. Plaintiffs shall serve disclosures by May 1, 2020.
- b. Defendants shall serve disclosures by June 15, 2020.

(Treating physicians need not prepare reports, only qualifications, unless they will express opinions not reflected in the medical records.) (Reports to be served on other parties, but not filed with the court.)

5. The parties shall have until July 31, 2020 to complete discovery depositions of expert witnesses.

6. The parties shall have until February 1, 2020 to move to join additional parties.

7. The parties shall have until February 1, 2020 to move to amend pleadings to add claims or defenses, except for claims for punitive damages for which the deadline shall be March 15, 2020.

8. The parties shall have until April 1, 2020 to file other nondispositive motions (e.g., consolidation, bifurcation).

9. The parties shall have until February 1, 2020 to file threshold motions (e.g., jurisdiction, qualified immunity, statute of limitations). Discovery shall not be stayed during the pendency of such motions.

10. The parties shall have until August 15, 2020 to file other dispositive motions (summary judgment as to all or part of the case).

11. Each party shall serve no more than 25 interrogatories, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall be used. (Show good cause for more than the 25 interrogatories allowed by Rule 33.)

12. Each side shall take no more than 10 discovery depositions. (Show good cause for more than the 10 depositions allowed by Rule 30.)

13. Depositions taken for presentation at trial shall be completed 15 days before trial.

14. Counsel have discussed between themselves and explored with their clients early involvement in alternative dispute resolution. The following option(s) would be appropriate in this case:

\_\_\_\_\_ **arbitration**

  X   **mediation** (choose one):

  X   private mediator

\_\_\_\_\_ court-hosted early settlement conference-should the conference be held before a judge who will not be the trial judge?

\_\_\_\_\_ yes

\_\_\_\_\_ doesn't matter

\_\_\_\_\_ **early neutral evaluation** before (choose one):

\_\_\_\_\_ judge other than trial judge

\_\_\_\_\_ neutral technical expert

\_\_\_\_\_ neutral attorney

\_\_\_\_\_ other (specify) \_\_\_\_\_.

\_\_\_\_\_ none (explain reasons) \_\_\_\_\_.

The parties shall be ready to evaluate the case for settlement purposes by   N/A  . (If an ADR option other than a court-hosted settlement conference is chosen, counsel shall designate one of themselves to report back to the magistrate judge that the ADR effort was completed and whether or not it was successful.) The court reminds the parties that early involvement in ADR is voluntary, not mandatory.

Participation in ADR is encouraged by the court but is not required except for a settlement conference shortly before trial.

15. A mid-discovery status conference would not be helpful in this case. An appropriate time for the conference would be N/A.

16. The parties will not voluntarily waive their rights to proceed before a district judge and consent to have a magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.

17. Trial of this case will be jury.

18. The estimated length of trial is five (5) days.

19. The parties are free to alter these deadlines among themselves in writing or to seek court approval for extensions so long as the dispositive motion deadline is not changed.

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Dated: 11/06/2019

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Attorneys for Defendant, Rebecca Imes

## **ORDER**

The court **ADOPTS** the parties' Amended Scheduling/Discovery Plan without any additions or modifications.

**IT IS SO ORDERED.**

Dated this 7th day of November, 2019.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court